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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,414	04/05/2001	Carlos Pedrido	Q62474	9890

7590

09/25/2002

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EXAMINER

HOFFMANN, JOHN M

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 09/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,414

Applicant(s)

PEDRIDO ET AL.

Examiner

John Hoffmann

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 05 April 2001 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. Only EPO abstracts of the Japanese documents were submitted, the patents were not submitted.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is directed to an inlet arrangement that is for a furnace "of the type including an enclosure... and a preform inlet arrangement...." Thus the claim refers to two arrangements: (1) the one being claimed, and (2) the one of the furnace of which the first one can be used which. This makes the line 17-18 inlet arrangement confusing as to which arrangement it is referring back to: the first or the second arrangement.

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Claim 2 is confusing as to which inlet arrangement it is referring back to.

Claim 2, line 12 refers to "the seals" of the closure member. But there is no antecedent basis for "seals".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Nicholson 5713979.

The invention is disclosed in figure 1 and comprises all of the structure of everything above (and including) feature 20, and excluding the preform and rod (9 and 7). This structure is deemed to be for inserting a preform (the diameter of rod 7) into furnace B and/or C. Claim 1 does not require anything beyond this arrangement. The furnace is not part of the claimed arrangement (see claim 7 which does require a furnace.) As to the other limitations, they simply refer back to the "type" of furnace the arrangement can be used with. The actual use of the arrangement in a furnace is merely an intended use limitation. The limitation starting at lines 17-19 which states that the arrangement "further comprises" - it is deemed that this merely refers back to the other "inlet arrangement" (lines 7-8) of the furnace (which is not required structure); this is because the first mentioned "inlet arrangement" does not "comprise" anything and the

line 7-8 inlet arrangement does. Therefore, it is only the second inlet arrangement which can "further comprise" anything.

Claim 2: The airlock exists as per col. 8, lines 9-23. Feature 6 and/or 5 is the closure member. The injector is part of the furnace, and not part of the claimed inlet arrangement. When 6 and/or 5 is open (i.e. removed) one is enabled to lower a preform body therein. And it can close and seal the top of the furnace "in the absence of a preform at its level"; i.e. when the preform is at a much lower level, such as when it is lowered to chamber C. The airlock chamber and two seals is taught substantially at col. 8, lines 7-10. 11 is one stage, and 8 is the second stage. The seal, 8, is the at least one tab of the closure member. The length of the body of the preform pertains to only the intended use - and not the claimed structure. The rest of the limitations are clearly met.

Claim 3 is a method of use limitation that is only relevant to what size preform one chooses to use.

Claim 4: is also a method of use - it only refers to the furnace that one can use the inlet arrangement with.

Claim 6: Cooling is a method step - not a structural limitation.

Claim 7 is clearly met by the entire structure of figure 1. 13 is the injector.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Der Giessen 4673427.

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Figure 1, feature 5 is the invention. As indicated above, claim 1 only requires an inlet arrangement - all of the limitations are directed to the structure of a furnace that one can use.

Claim 5 refers to "the stages of seals". However, there is no requirement that there be any stages or seals. Thus the broadest reasonable interpretation is: "if there are stages of seals, then they are made of stacked graphite seals. Since Van der Giessen has no seals, the claim is met.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

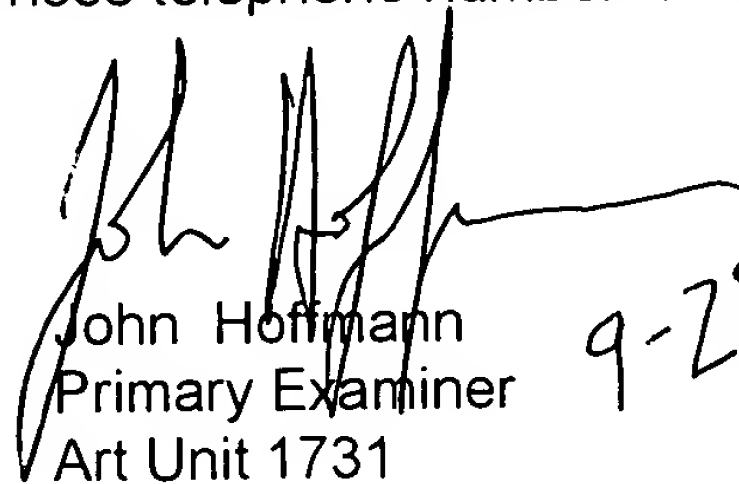
Janssen, Uhm, Orita, Klop, Pei Ching Li, Bailey, Harding, Kaiser, Sumitomo x 5, Nippon and AEG Kabel are cited as being of general interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Hoffmann whose telephone number is 703-308-0469. The examiner can normally be reached on Monday through Friday, 7:00- 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Griffin can be reached on 703-308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7115 for regular communications and 703-305-3599 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.


John Hoffmann
Primary Examiner
Art Unit 1731
9-22-02

jmh
September 22, 2002